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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,538	01/23/2004	Sang Woon Suh	1740-000040/US	4972
30593 7590 04/17/2007 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 8910 RESTON, VA 20195			EXAMINER COLEMAN, VANESSA V	
			ART UNIT	PAPER NUMBER
			2627	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/17/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/762,538

Applicant(s)

SUH ET AL.

Examiner

Vanessa (Brandi) Coleman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Korea on January 23, 2003. It is noted, however, that applicant has not filed a certified copy of the 10-2203-0004487 application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4 and 5 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 4 discloses a method of reproducing data, wherein data "in the straight pits formed along the tracks of the recording medium" is reproduced "using the detected information". Claim 3 of the application states that the detected information is recorded in "intermittent or alternate wobbled pits" in some portions of the tracks and recorded in "straight pits" in other portions of the tracks, as is understood to be what applicant is

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claiming from the wording of the claims. The disclosure of the application does not enable using the detected information that includes alternate wobbled pits and straight pits, as described by Claim 3, to reproduce the data recorded as straight pits that is itself in the detected information. However, what is disclosed as <sup>noted</sup>~~not~~ in paragraph [0058] of applicant's disclosure is that the reproduction of main data (earlier described in paragraph [0037] as being recorded as straight pits in a data zone) is dependent on detected data.

Claim 5 discloses a method of reproducing data further limited to "reproducing the data recorded on the recording medium using the reproduced data." The disclosure of the application does not enable using reproduced data to reproduce the same reproduced data (essentially using data to reproduce itself), as is understood to be what applicant is claiming by the wording of the claim.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-13 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claims 9-13 and 18 are drawn to an apparatus for reproducing data from a recording medium, however the claims do not include any structural limitation of the apparatus and it is therefore unclear as to what applicant intends to claim as his invention.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Yoshito et al. (hereafter "Yoshito"), Japanese Patent Publication Number 9-081938 (note that the document has been translated by computer, so the translation contains some spelling and grammatical errors. In light of the use of a machine-translated document, it is pointed out by examiner that the words "truck" and "rock," and variations thereof, found in the document are to be read as "track" and "wobble" and their corresponding variations).

Regarding Claim 1, Yoshito discloses a recording medium including recorded data (see Drawing 5), comprising: a control data ("management data field 32") area including pits formed along tracks, with data recorded therein, wherein pits formed in some portions of

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the tracks are shifted from a track center to left and/or right to thereby form intermittent or alternate wobbled pits and wherein pits formed in other portions of the tracks of the control data area are substantially along the track center to thereby form straight pits (see Drawing 5(c), "displacement pit train 41") .

Regarding Claim 3, method claim 3 is drawn to the method of using the corresponding apparatus, recording medium, claimed in claim 1. Therefore method claim 2 corresponds to apparatus claim 1 and is rejected for the same reasons of anticipation as used above.

Regarding Claim 6, Yoshito discloses a method of reproducing wherein detecting detects the information recorded in pits from a difference signal between a right and a left electric signals, generated by a beam reflected from the pits formed along the tracks (see paragraph [0055] and Drawing 9).

Regarding Claim 7, Yoshito discloses a method of reproducing according to claim 6, wherein said reproducing detects data recorded with modulation (see paragraph [0020]) from a high-frequency electric signal generated by a beam reflected from the pits formed along the tracks (see paragraph [0055]).

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Regarding Claim 14, Yoshito discloses a recording medium wherein the data includes copy protection information for controlling reproduction and/or recording of main data (see paragraph [0011]).

Regarding claims 2 and 15, method claims 2 and 15 are drawn to the method of using the corresponding apparatus, recording medium, claimed in claims 1 and 14. Therefore method claims 2 and 15 correspond to apparatus claims 1 and 14 and are rejected for the same reasons of anticipation as used above.

Regarding claims 8 and 17, method claims 2 and 17 are drawn to the method of using the corresponding apparatus, recording medium, claimed in claims 1 and 14. Therefore method claims 2 and 17 correspond to apparatus claims 1 and 14 and are rejected for the same reasons of anticipation as used above.

Regarding claims 9-13 and 18, the claims are drawn to an apparatus for reproducing data from a recording medium, the apparatus using pits formed along tracks in a control data area on the recording medium, with data recorded therein, wherein pits formed in some portions of the tracks form intermittent or alternate wobbled pits and pits formed in other portions of the tracks form straight pits, disclosed as noted above with regard Claim 1. The medium portion of the claims 9-13 and 18 are met as noted above with regard to Claim 1 and while there is no apparatus limitation included in the claims, an apparatus is inherently suggested in Yoshito to reproduce the recording medium.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanessa (Brandi) Coleman whose telephone number is (571) 272-9081. The examiner can normally be reached on Mon-Thurs 8:30-6, 1st Fri off, 2nd Fri 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571) 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vanessa (Brandi) Coleman  
Art Unit 2627

VC

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER